

REMARKS/ARGUMENTS

Claims 1-59 are pending in this application. Claims 1, 7, 18, 32 and 46 are amended herein. Applicant respectfully requests consideration and examination of pending claims 1-59.

I. **Request for Continued Examination Concurrently Submitted**

Applicant is submitting herewith a Request for Continued Examination (RCE) and the associated fee. Applicant respectfully requests that the finality of the present action be withdrawn and that the present amendment be fully considered.

II. **Examiner Interview of August 25, 2005**

Applicant's representatives (Todd Snyder, Frank Weyer and Gary Hecker) had a teleconference with Examiner Hutton on August 25, 2005. During the teleconference, the Examiner proposed the enclosed amendments to the claims (i.e., amendments to claims 1, 7, 18, 32 and 46), indicating that the amended claims as presented would overcome the outstanding claim rejections based on the cited art of record.

Because the outstanding Office Action is final, Applicant submits the proposed claim amendments herein, with an RCE and associated fee, so that those amendments may be formally entered into the present application.

III. Rejection of Claims Under 35 U.S.C. §102(e)

The Examiner has rejected claims 1, 2, 5-20, 22-26, 28, 29, 32-34, 36-40, 42, 43, 46-48, 50-54, 56 and 57 under 35 U.S.C. §102(e) as being anticipated by Groner (U.S. Patent No. 6,507,643). Applicant respectfully disagrees. As stated above in section (II), the Examiner has indicated that the amended claims presented herein are patentable over the cited art. Applicant submits that 1, 2, 5-20, 22-26, 28, 29, 32-34, 36-40, 42, 43, 46-48, 50-54, 56 and 57 are in condition for allowance.

IV. Rejection of Claims Under 35 U.S.C. §103(a)

The Examiner has rejected claims 30, 31, 44, 45, 58 and 59 under 35 U.S.C. §103(a) as being unpatentable over Groner (U.S. Patent No. 6,507,643); claims 3, 21, 35 and 49 are rejected as being unpatentable over Groner, in view of Merrill et al. (U.S. Patent No. 6,181,351); and claims 4, 27, 41 and 55 are rejected as being unpatentable over Groner, in view of Gupta et al. (U.S. Patent Application Publication No. US 2003/0196164 A1). Applicant respectfully disagrees. Claims 3, 4, 21, 27, 30, 31, 35, 41, 44, 45, 49, 55, 58 and 59, being dependent upon respective allowable base claims, are also allowable for at least the foregoing reasons provided in sections (II-III) above with respect to independent claims 1, 7, 18, 32 and 46.

Further, with respect to claims 30-31, 44-45 and 58-59, Applicant maintains that the conversion of text to speech at the client is not a mere design choice.

Groner is a voicemail to email conversion system, which a user may access by regular telephone. Applicant submits that such telephones are not equipped to perform text to audio conversion. It is therefore not a mere design choice to carry out text to speech conversion at the server with respect to the cited reference. The conversion of text to speech at a client (i.e., telephone) is beyond the scope of Groner. In contrast, the present application describes both thin client and smart client embodiments, with annotation devices having the processing power of a computer, for example. The invention is therefore specifically enabled for both types of embodiments, with the processing needs of each described in detail. In view of the foregoing, Applicant submits that the characterization of client processing of text to speech conversion as a mere design choice is a misstatement of the range of the prior art, specifically of Groner. Thus, claims 30-31, 44-45 and 58-59 are allowable over the cited reference for the additional reason that Groner does not and cannot implement text to speech conversion at the client.

Appl. No. 09/802,395
Response Dated September 7, 2005
Reply to Office Action Dated May 18, 2005

V. Conclusion

For at least the foregoing reasons, Applicant submits that pending claims 1-59 are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

THE HECKER LAW GROUP

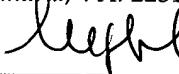
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 September 7, 2005
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